



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,657	10/16/2000	Fabien Thiriet	00562/TL	2712

7590

07/09/2003

Frishauf Holtz Goodman Langer & Chick  
767 Third Avenue 25th Floor  
New York, NY 10017-2023

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/622,657

Applicant(s)

THIRIET, FABIEN

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Preliminary Amdt/Amendment*

1. Receipt is acknowledged of Preliminary Amendment filed 21 August 2000.

### *Claim Objections*

2. Claims 1-3 are rejected to because of the following informalities:
  - Claim 1, line 5: "it" is vague and should be changed to "the method".
  - Claim 1, line 12: "BLK2" should be changed to "BLKi", i.e., BLK1, ..., BLKi, ..., BLKn.
  - Claim 2, line 2: "it" is vague and should be changed to "the method".
  - Claim 3, line 2: "it" is vague and should be changed to "the method".
  - Claim 3, line 2: "steps" should be changed to "step", i.e., the following step.Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Drupsteen (US 5,856,659).

Drupsteen teaches method for loading computer programs into a memory of a portable memory object (i.e., smart card or IC card 1; see fig. 1) having a contactless operating mode,

Art Unit: 2876

particularly a chip card, from one or more transmitting devices (i.e., terminal; col. 1, lines 30-49) EM1, ..., EMj, ..., EMP, p being a whole number, characterized in that the method includes the following steps in which:

the computer program is divided into n blocks BLK1, ..., BLKi, ..., BLKn (i.e., DATA1, DATA2, ...DATA[N]; col. 3, lines 16-47; col. 4, lines 22-31), n being a whole number greater than 1;

a piece of information I(n) indicating the number n of blocks to be loaded is transmitted to the portable object (col. 3, lines 16-47; col. 4, lines 22-31);

the blocks BLK1, ..., BLKi, ..., BLKn are loaded without contact into a memory of the portable object (col. 3, line 16 through col. 4, line 31);

the loading of the blocks BLK1, ..., BLKi, ..., BLKn is interrupted during the loading of a block BLKi (i.e., errors occur during transmission; col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4);

the loading of the blocks is resumed with the block BLKi (i.e., the last sequence number S and/or the counter T can be used to resume the processing at the correct command when the series of commands is retransmitted; col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4); and

each block BLKi loaded is counted in the portable object (col. 5, lines 17-47).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2876

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drupsteen.

The teachings of Drupsteen have been discussed above.

Drupsteen does not specifically teach means FLG of the portable object indicate to a transmitting device EMj the loading state FLG = Y or nonloading state FLG = N of the portable object.

Drupsteen teaches a Flag to indicate the nature of the transferred data and their destination (col. 5, lines 42-47).

It would have been obvious to an artisan of ordinary skill in the art to incorporate the flag indicating the status/nature of the data as taught by Drupsteen in order to implement the flag to indicate the loading states (FLG = Y or N) of the portable object as claimed in this instant invention to further verify if the portable object (card) has been loaded with desired data. Such modification would provide a time saving process to prevent duplication of same data from loading into the card.

Re claim 3: Drupsteen teaches prior to the resumption of the data retransmitting process, the system checks/verifies for erred/interrupted data transmission (DATA1, DATA2, ..., DATA[N], which serves as block of data) sequence number S and/or the counter T, so that the system will resume the process of retransmitting using the last sequence number S and/or the counter T (col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4).

Drupsteen does not specifically teach the loading or nonloading state of the portable object is verified.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to manipulate the verification of data transmission (i.e., check for data

Art Unit: 2876

interruption) as taught by Drupsteen to verification of loading or nonloading state of the portable object as claimed in the invention in order to verify if the portable object (card) has been loaded with desired data. Such modification would provide a time saving process to prevent duplication of same data from loading into the card.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
June 27, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800